

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0158-MWD-E **TCEQ ID:** RN101919397 **CASE NO.:** 35363
RESPONDENT NAME: City of Godley

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Godley Wastewater Treatment Facility, located adjacent to West Nolan Creek, approximately 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 930, Godley, Johnson County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable David Wallis, Mayor, City of Godley, P.O. Box 27, Godley, Texas 76044 Ms. Stephanie Hodges, City Administrator, City of Godley, P.O. Box 27, Godley, Texas 76044 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: January 3, 2008</p> <p>Date of NOE Relating to this Case: January 18, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limitations for total suspended solids and flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10542001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 10542001, Sludge Provisions].</p>	<p>Total Assessed: \$7,600</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,600</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This is a Findings Order because the Respondent had three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the monitoring period ending July 31, 2007;</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a; and</p> <p>c) Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10542001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0010542001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ
DATES

Assigned 22-Jan-2008
PCW 5-Feb-2008

Screening 5-Feb-2008

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Godley
Reg. Ent. Ref. No. RN101919397
Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 35363 No. of Violations 2
Docket No. 2008-0158-MWD-E Order Type Findings
Media Program(s) Water Quality Enf. Coordinator Lauren Smitherman
Multi-Media EC's Team Enforcement Team 1
Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 105% Enhancement Subtotals 2, 3, & 7 \$4,200

Notes The penalty is enhanced due to 16 self-reported monthly effluent violations and five NOV's with violations same or similar to those cited in this action.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer
Extraordinary
Ordinary
N/A X (mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$1,230 0% Enhancement* Subtotal 6 \$0
Approx. Cost of Compliance \$10,100 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$8,200

OTHER FACTORS AS JUSTICE MAY REQUIRE

-7%

Adjustment -\$600

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommend reduction in the penalty so that monthly self-reported violations do not overly-impact the penalty amount.

Final Penalty Amount \$7,600

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$7,600

DEFERRAL

0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$7,600

Screening Date 5-Feb-2008

Docket No. 2008-0158-MWD-E

PCW

Respondent City of Godley

Policy Revision 2 (September 2002)

Case ID No. 35363

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101919397

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	21	105%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 105%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to 16 self-reported monthly effluent violations and five NOVs with violations same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 105%

Screening Date 5-Feb-2008		Docket No. 2008-0158-MWD-E		PCW	
Respondent City of Godley		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 35363		<small>PCW Revision January 29, 2008</small>			
Reg. Ent. Reference No. RN101919397					
Media [Statute] Water Quality					
Enf. Coordinator Lauren Smitherman					
Violation Number		<div style="border: 1px solid black; text-align: center; width: 50px;">1</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 5px;"> Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10542001, Effluent Limitations and Monitoring Requirements No. 1 </div>			
Violation Description		<div style="border: 1px solid black; padding: 10px;"> Failed to comply with the permitted effluent limitations, as shown in the attached violation table. </div>			
Base Penalty					<div style="border: 1px solid black; text-align: right;">\$10,000</div>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent <div style="border: 1px solid black; text-align: right;">10%</div>

>> Programmatic Matrix

Falsification				
Major	Moderate	Minor		
<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
				Percent <div style="border: 1px solid black; text-align: right;">0%</div>

Matrix Notes
 Total suspended solids and flow were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. As a result of these violations, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

\$9,000

\$1,000

Violation Events

Number of Violation Events <div style="border: 1px solid black; text-align: center; width: 50px;">3</div>	<div style="border: 1px solid black; text-align: center; width: 50px;">246</div>	Number of violation days
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mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	x	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

Three quarterly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <div style="border: 1px solid black; text-align: right;">\$1,225</div>	Violation Final Penalty Total <div style="border: 1px solid black; text-align: right;">\$5,700</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; text-align: right;">\$5,700</div>	

Economic Benefit Worksheet**Respondent** City of Godley**Case ID No.** 35363**Reg. Ent. Reference No.** RN101919397**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	31-Dec-2006	30-Sep-2008	1.8	\$58	\$1,167	\$1,225
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to conduct an engineering study to determine the cause of noncompliance. Date required is the initial month of noncompliance. Final date is the expected date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$10,000

TOTAL

\$1,225

Screening Date 5-Feb-2008

Docket No. 2008-0158-MWD-E

PCW

Respondent City of Godley

Policy Revision 2 (September 2002)

Case ID No. 35363

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101919397

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 10542001, Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

157 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,900

This violation Final Assessed Penalty (adjusted for limits) \$1,900

Economic Benefit Worksheet

Respondent City of Godley
Case ID No. 35363
Reg. Ent. Reference No. RN101919397
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2007	31-Aug-2008	1.0	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report. Date required is the date the report was due.
 Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

EFFLUENT VIOLATION TABLE				
City of Godley				
TPDES Permit No. WQ0010542001				
Docket No. 2008-0158-MWD-E				
	TSS Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Max. Single Grab	Daily Avg. Flow
Months	Limit = 20.0 lbs/day	Limit = 20.0 mg/L	Limit = 65.0 lb/day	Limit = 0.120 MGD
12/31/2006	c	c	c	0.127
1/31/2007	c	c	c	0.154
3/31/2007	c	c	c	0.132
4/30/2007	46.12	35.00	111.0	0.158
5/31/2007	c	c	c	0.137
6/30/2007	c	c	c	0.220
7/31/2007	30.00	c	73.0	0.204
8/31/2007	c	c	c	0.122

avg. = average

c = compliant

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

MGD = million gallons per day

TSS = total suspended solids

Compliance History

Customer/Respondent/Owner-Operator: CN600630495 City of Godley Classification: AVERAGE Rating: 1.93

Regulated Entity: RN101919397 CITY OF GODLEY Classification: AVERAGE Site Rating: 0.86

ID Number(s): WASTEWATER PERMIT WQ0010542001
WASTEWATER PERMIT TPDES0104558
WASTEWATER PERMIT TX0104558
WASTEWATER LICENSING LICENSE WQ0010542001

Location: LOCATED ADJ TO W NOLAN CREEK APPR 600 FT S OF Rating Date: September 01 07 Repeat Violate
THE INTX OF SH 171 AND FM 930, GODLEY, JOHNSON NO
CO, TX

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: February 04, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 04, 2003 to February 04, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Lauren Smitherman Phone: 512-239-5223

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 03/05/2003 (223183)

N/A

2 03/17/2003 (223185)

3 05/05/2003 (223190)

4 06/05/2003 (322696)

5 06/26/2003 (322697)

6 07/17/2003 (322698)

7 08/28/2003 (152666)

8 09/08/2003 (322699)

9 09/18/2003 (322700)

10 10/23/2003 (322701)

11 12/03/2003 (322702)

12 01/07/2004 (322703)

13 01/22/2004 (322704)

14 02/17/2004 (322693)

15 03/15/2004 (322694)

16 04/29/2004 (322695)

17 06/04/2004 (364281)

18 07/28/2004 (364282)

19 07/28/2004 (364283)

20 09/02/2004 (364284)

21	10/22/2004	(364285)
22	10/22/2004	(364286)
23	12/13/2004	(388668)
24	03/02/2005	(426223)
25	03/22/2005	(388667)
26	04/07/2005	(426224)
27	04/07/2005	(426227)
28	04/07/2005	(426228)
29	05/03/2005	(376405)
30	05/09/2005	(426225)
31	06/03/2005	(426226)
32	07/15/2005	(446597)
33	08/04/2005	(446598)
34	10/03/2005	(479370)
35	10/03/2005	(479371)
36	11/17/2005	(479372)
37	01/09/2006	(479373)
38	01/09/2006	(479374)
39	01/27/2006	(479375)
40	03/15/2006	(479369)
41	04/24/2006	(505130)
42	05/12/2006	(505131)
43	05/31/2006	(505132)
44	06/19/2006	(505133)
45	07/27/2006	(527431)
46	08/24/2006	(510101)
47	08/28/2006	(527432)
48	09/27/2006	(531056)
49	10/11/2006	(551169)
50	11/10/2006	(551170)
51	12/15/2006	(551171)
52	01/10/2007	(551172)
53	01/10/2007	(587806)
54	02/22/2007	(553739)
55	03/26/2007	(587801)
56	03/26/2007	(587802)
57	05/07/2007	(587803)
58	06/20/2007	(587804)
59	06/22/2007	(587805)
60	07/24/2007	(563905)
61	08/10/2007	(605219)
62	09/21/2007	(605220)
63	01/18/2008	(613300)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	01/31/2004	(322693)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2004	(426224)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2004	(322695)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2004	(364281)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			

Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2004	(364283)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2004	(426228)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005	(388667)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/10/2005	(376405)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with the permit limit for Cl2 minimum.		
Date	03/31/2005	(426225)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/27/2005	(376405)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 317 317.4(a)(8)		
	30 TAC Chapter 317 317.7(i)		
Description:	Failure to provide an RPZ backflow prevention device on the main potable line to the WWTP and atmospheric vacuum breakers on the hose bibs. The backflow prevention device must be tested annually by a certified technician.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to accurately complete the monthly discharge monitoring reports.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B)		
	30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
Description:	Failure to submit the annual sludge reports, as required by the permit.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
	30 TAC Chapter 317 317.4(d)		
Description:	Failure to provide an operable skimmer bar on the clarifier.		
Date	09/27/2006	(531056)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date	12/31/2006	(587806)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2007	(587801)	
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/22/2007	(553739)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Date	03/31/2007	(587803)	
Self Report?	YES	Classification	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2007 (587804)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2007 (587805)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2007 (605219)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/25/2007 (563905)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)		
Description:	Failure to submit the annual sludge reports, as required by the permit.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Sludge Provisions, Section III		
Description:	Failure to submit the anual sludge report.		
Date	07/31/2007 (605220)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2007		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GODLEY
RN101919397**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0158-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Godley ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates a domestic wastewater treatment facility located adjacent to West Nolan Creek, approximately 600 feet south of the intersection of State Highway 171 and Farm-to-Market Road 930, in Godley, Johnson County, Texas (the "Facility").

2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on January 3, 2008, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE				
	TSS Daily Avg. Loading	TSS Daily Avg. Conc.	TSS Max. Single Grab	Daily Avg. Flow
Months	Limit = 20.0 lbs/day	Limit = 20.0 mg/L	Limit = 65.0 lb/day	Limit = 0.120 MGD
12/31/2006	c	c	c	0.127
1/31/2007	c	c	c	0.154
3/31/2007	c	c	c	0.132
4/30/2007	46.12	35.00	111.0	0.158
5/31/2007	c	c	c	0.137
6/30/2007	c	c	c	0.220
7/31/2007	30.00	c	73.0	0.204
8/31/2007	c	c	c	0.122

avg. = average

c = compliant

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

MGD = million gallons per day

TSS = total suspended solids

4. During a record review on January 3, 2008, TCEQ staff documented that the City did not submit the annual sludge report for the monitoring period ending July 31, 2007.
5. The City received notice of the violations on January 18, 2008.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10542001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the City failed to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 10542001, Sludge Provisions.

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Seven Thousand Six Hundred Dollars (\$7,600) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The City has paid the Seven Thousand Six Hundred Dollar (\$7,600) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Seven Thousand Six Hundred Dollars (\$7,600) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Godley, Docket No. 2008-0158-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the monitoring period ending July 31, 2007 to:

TPDES Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, using the certification language as described in Ordering Provision No. 2.c below;

- c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10542001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in

writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sedler
For the Executive Director

6/30/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Godley. ~~[if double period, delete one]~~ I am authorized to agree to the attached Agreed Order on behalf of City of Godley, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, City of Godley waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Stephanie Hodges
Signature

4-15-08
Date

Stephanie Hodges
Name (Printed or typed)
Authorized Representative of
City of Godley

City Administrator
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

